

REMARKS/ARGUMENTS

Applicant respectfully requests further examination and reconsideration in view of the instant response. Claims 1-33 remain pending in the case. Claims 1-33 are rejected. Claims 8 and 19 are amended herein. No new matter has been added herein.

Claim Objections

The Office Action mailed October 29, 2008 (hereinafter, “instant Office Action”) states the following:

Claims 8 and 19 are objected to because it is unclear if these claims are intended to recite that the content is redirected while en route from the first network connected component to the third network connected component or that the content is redirected while en route from the third component to the first component. For compact prosecution purposes, these claims are interpreted to mean that *said content is redirected, while en route from the first network connected component, to said third network connected component.*

(emphasis in original, instant Office Action, page 2, section 5). Applicant has amended Claims 8 and 19 for clarity. For example, Claim 8 was amended to reflect the following: “The method of Claim 1 wherein said content is redirected [[,]] to said third network connected component while en route to said first network connected component ~~to said third network connected component.~~” Claim 19 is similarly amended. Support for this amendment can be found at least on page 9, third paragraph.

Applicant respectfully submits that the instant Office Action’s interpretation of Claims 8 and 19 is inaccurate. Applicant respectfully submits that amended Claims 8 and

19 are clear in the message conveyed, and respectfully request that the objections be withdrawn.

CLAIM REJECTIONS

35 U.S.C. §112, First Paragraph Rejections

In the instant Office Action, Claims 1, 12, and 23 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. More particularly, the instant Office Action states:

Applicant pointed out that support for the amendment ‘**wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component**’ can be found at least on page 10, first paragraph. However, the content of Applicant’s cited paragraph appears to relate to services that can be provided and can include but are not limited to format conversion services such as display size, bit rate, compression standard for video, sampling rate, quality, and compression standard for audio. None of the mentioned services relates to ‘wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component.’ Therefore, Applicant’s arguments that McCanne fails to teach or suggest the aforementioned limitation are moot.

(Emphasis added; Instant Office Action, page 3, section 7.)

Applicant respectfully points out support for the portion of the amendment reflecting, “third network connected component”, can be found at least on page 9, third paragraph of Applicant’s specification. Support for the portion of the amendment

reflecting, “type of media service”, can be found at least on page 10, first paragraph of Applicant’s specification. Support for the portion of the amendment reflecting, “media service performed by third network connected component”, can be found at least on page 11, third paragraph. Support for the portion of the amendment reflecting, “positioned”, can be found at least in Figures 5, 7, and 8.

Since the amendments made to Claims 1, 12, and 23 are described in the specification in such a way as to reasonably convey to one skilled in the relevant art that Applicant, at the time the application was filed, had possession of the claimed invention, Applicant respectfully submits that Claims 1, 12, and 23 overcome the 35 U.S.C. §112, first paragraph rejection and respectfully requests its withdrawal.

35 U.S.C. §103(a) Rejections

Claims 1-33

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over McCanne (U.S. Patent Application No. 6,785,704) in view of “A System Architecture for Managing Mobile Streaming Media Service” by Roy et al. (hereinafter, “Roy”), and further in view of Matsuzaki et al. (U.S. Patent Publication No. 2003/0070172) (hereinafter, “Matsuzaki”). Applicant respectfully submits that the features as recited in Claims 1-33 are patentable over McCanne, in view of Roy, and further in view of Matsuzaki for the following rationale.

Applicant respectfully agrees with the instant Office Action that states:

The combination of McCanne-Roy does not specifically disclose: *at least a portion and wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component.*

(Instant Office Action, page 4, section 9). Furthermore, Applicant respectfully submits that the combination of McCanne, Roy, and Matsuzaki fails to disclose or suggest:

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component.

as is recited in Applicant's Claim 1.

Applicant understands Matsuzaki to disclose a storage digital broadcasting apparatus and storage digital broadcasting receiver for requesting and receiving a complement of broadcast content that was already broadcasted and received from a broadcast provider (Matsuzaki, Abstract).

Applicant respectfully submits that Matsuzaki's method of requesting a resend of content in order to perform "error correction processing" (Matsuzaki, Abstract) on the resent content teaches away from Applicant's Claim 1 that provides for "forward[ing] said at least a portion of said content from a second network connected component to a third network connected component", wherein the "content" was requested from a first network connected component. In contrast, Matsuzaki provides for a resending of

requested content once a transmission path error was detected. Matsuzaki does not disclose or suggest:

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component.

as is recited in Applicant's Claim 1.

Therefore, Applicant respectfully submits that the combination of McCanne, Roy, and Matsuzaki does not suggest "configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component" (emphasis added) as is recited in Applicant's Claim 1.

Therefore, Applicant respectfully submits that the features set forth in independent Claim 1 are patentable over the combination of McCanne, Roy, and Matsuzaki, and as such, Claim 1 traverses the rejection under 35 U.S.C. §103(a) and is in condition for allowance. Accordingly, Applicant also respectfully submits that the Claims 12 and 23 are patentable for reasons stated herein regarding Claim 1. Furthermore, Applicant respectfully submits that Claims 2-11 dependent on Claim 1, Claims 13-22 dependent on Claim 12, and Claims 24-33 dependent on Claim 23

overcome the rejection under 35 U.S.C. §103(a) as being dependent on an allowable base Claim and are also in condition for allowance.

CONCLUSION

In light of the above-listed remarks and amendments, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 1-33 overcome the rejections of record. Therefore, allowance of Claims 1-33 is respectfully solicited.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
WAGNER BLECHER, LLP

Date: January 29, 2009

/John P. Wagner, Jr./

John P. Wagner, Jr.
Reg. No. 35,398

123 Westridge Dr.
Watsonville, CA 95076
(408)377-0500